

REMARKS

Upon entry of the amendment, claims 1 and 3-26 will be pending in the above-identified application. Claims 1, 13, and 22 have been amended to further clarify subject matter regarded as the invention. New claims 25 and 26 have been added. Applicants submit that the amendments and new claims are supported throughout the specification as originally filed including, for example, at least at Figures 4A, 4B, 5 and 6, and page 8, line 14, through page 9, line 28. As such, no new matter has been added.

Applicants gratefully acknowledge the telephone conversation with the Examiner on February 1, 2007. Per the telephone conversation, Applicants pointed out that the present Office Action incorrectly lists only claims 1 and 3-16 as pending claims (see, e.g., "Office Action Summary") and that the rejections in the Office action address claims 1-21, but claims 22-24 are not listed or addressed. Applicants further pointed out that, as of the filing of Applicants response mailed September 16, 2006, pending claims should include claims 1 and 3-24. Claims 22-24 were properly added in Applicants response mailed September 16, 2006, and excess claims fees properly paid, and therefore should have been included as pending claims in the current Office Action (Office Action mailed 11/27/2006). The Examiner indicated that the finality of rejection would be withdrawn pursuant to the current response, and the claims presented in "Listing of the Claims" in the current communication, attached hereto, would be entered and examined.

Accordingly, Applicants respectfully request that the finality of the rejection be withdrawn, and that the current amendments and new claims be entered and examined.

Claim Rejections Under 35 U.S.C. §103

Claims 1-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Dehoff *et al.* (U.S. Patent No. 5,718,585) in view of Moermann *et al.* (U.S. Patent No. 4,575,805).

Applicants initially point out that claim 2 was canceled in Applicants response mailed July 29, 2005. Claims 22-24 were properly added in Applicants response mailed

9/16/2006, but do not appear to be addressed in the current Office Action and no grounds for rejecting these claims has been provided.

Applicants respectfully disagree with the rejections and do not acquiesce to any reasoning provided by the Examiner. However, in order to further expedite prosecution of the present case, claim 1 has been amended and, as amended, further clarifies certain differences between the cited references and the inventive subject matter. As amended, claim 1 is directed to a method for facilitating mass customization of an object, the object comprising a dental appliance, the method comprising generating a template representing data common to a plurality of different dental appliances, the template comprising a source spline; generating specific data to customize an appliance in conjunction with the template, the specific data comprising a target spline; wherein the source spline and the target spline define at least one tool path; and directing at least one tool along the at least one tool path to fabricate a customized version of the appliance. Applicants submit that the cited references fail to teach or suggest each and every element of the currently claimed invention, thereby precluding *prima facie* obviousness. MPEP § 2143.

Doeff teaches prosthetic teeth and related mold making methods, including a prosthetic tooth having an enamel layer which has a zone of substantially constant thickness. Doeff, however, fails to teach numerous aspects of the claimed invention as currently recited in claim 1. For example, Doeff fails to teach customization a dental appliance including generating a template representing data common to a plurality of different dental appliances, the template comprising a source spline, or generating specific data to customize an appliance in conjunction with the template, the specific data comprising a target spline, where the source spline and target spline define at least one tool path, or numerous elements as recited in claim 1. Applicants further maintain the objections to the rejection and identified deficiencies of Doeff previously made of record.

Moermann teaches fabrication of dental implants such as dental inlays. Similar to Doeff, Moermann fails to teach or suggest numerous aspects of claim 1. For example, Moermann does not even address dental appliances, generating a template representing data

common to a plurality different of dental appliances, generating specific data to customize an appliance as recited, or directing any tool along a tool path to fabricate a customized version of the appliance. As such, Moermann fails to provide the teachings that are missing from Doeff.

With respect to independent claim 13, Applicants point out that the Examiner has not addressed this claim or identified where in the art each and every element of the claim would allegedly be found. Similarly, with respect to claim 22, the Examiner has not established that each and every element of claim 22 could be found in the prior art (see also, Applicant's remarks above). For example, neither of the cited references would appear to teach several aspects of claim 22, including extracting the common data from a calculation process used in object fabrication. As such, Applicants submit that *prima facie* obviousness has not been established with respect to independent claims 13 and 22 at least for this reason, and Applicants respectfully request that the rejections either be withdrawn or, if the rejections are not withdrawn, that identification of teachings in the art corresponding to each and every element of the claimed invention as recited in claims 13 and 22 be provided.

Accordingly, for the reasons set forth above, *prima facie* obviousness has not been established and withdrawal of the rejections of claims 1-21 under 35 U.S.C. §103(a) is respectfully requested.

Appl. No. 09/620,253
Amdt. dated February 2, 2007
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2125

PATENT

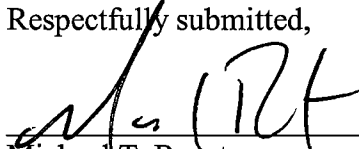
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Date: 2/27/2007



Michael T. Rosato
Reg. No. 52,182

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 206-467-9600
Fax: 415-576-0300
MTR:jms
60970607 v2